

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SARAH WAGSTAFF and KEITH CHAPLIN,
wife and husband and the marital community
composed thereof,

Plaintiffs,

vs.

FIRST NATIONAL INSURANCE
COMPANY OF AMERICA, a foreign
corporation,

Defendant.

No. 18-cv-00406 RSL

STIPULATED PROTECTIVE ORDER

COME NOW the parties, by and through their undersigned attorneys of record, and
stipulate as follows:

I. STIPULATION

In order to preserve and maintain the confidentiality of Plaintiffs' personal and corporate
federal income tax records being produced to Defendants pursuant to Defendants' Requests for
Production, it is mutually agreed by THE PARTIES, through their counsel-of record, as follows:

1 1. The personal and corporate federal income tax records and business financial
2 records, including but not limited to, business and personal tax returns, monthly and quarterly
3 sales, budgets, contracts, payroll reports, and bank statements, being produced by Plaintiffs in
4 this litigation contain confidential information and shall hereafter be referred to as "Protected
5 Documents." Plaintiffs will visibly mark such records as "CONFIDENTIAL
6 INFORMATION" before they are produced.

7 2. Both Protected Documents and the information contained therein shall be treated
8 as confidential. Except upon the prior written consent of Plaintiffs or their attorneys, or upon
9 order of this Court, the Protected Documents or information contained therein may be shown,
10 disseminated, or disclosed only to the following persons:

11 (a) THE PARTIES, their counsel, and their insurers, including other members of
12 counsel's law firm and any other counsel associated to assist in the preparation or trial
13 of this case;

14 (b) Employees, staff and/or agents of counsel for THE PARTIES in this case or of
15 associated counsel, who assist in the preparation or trial of this case;

16 (c) Experts and non-attorney consultants for THE PARTIES for the preparation or
17 trail of this case, and;

18 (d) The Court, the Court's staff, witnesses, and the jury in this case;

19 (e) Witnesses and the court reporter in the course of a deposition (subject to
20 paragraph 5 below).

21 3. Before receiving access to any of the Protected Documents or the information
22 contained therein, each person described in Paragraphs 2(b) and 2(c) above shall be advised of
23 the terms of this order, shall be given a copy of this Protective Order, and shall agree in writing,
24 in the form attached hereto as "Exhibit A," to be bound by its terms and to submit to the
25 jurisdiction of this Court.
26

1 4. THE PARTIES shall be required to return the Protected Documents to Plaintiffs'
2 counsel after the conclusion of this case or destroy by shredding. Should Defendants choose
3 to destroy by shredding, Defendants counsel will promptly notify Plaintiffs' counsel when the
4 documents have in fact been destroyed.

5 5. To the extent that Protected Documents are used in the taking of depositions,
6 such documents shall remain subject to the provisions of this Protective Order. If a Party wants
7 to make any part of deposition testimony subject to this Protective Order, that Party must state
8 on the record that that Party intends to move to seal that part of the deposition. If part of a
9 deposition is ordered sealed, that part of the transcript of the deposition is to be treated as a
10 Protected Document pursuant to this Protective Order.

11 6. Whenever a Party wishes to file a document with the Court that has been
12 designated CONFIDENTIAL INFORMATION, the Party shall comply with FRCP 5.2 of the
13 Federal Rules of Civil Procedure regarding the sealing of documents. Additionally, if the Court
14 denies a motion to file a document under seal, that denial shall not affect any other right or
15 obligation under this Protective Order. In particular, the person having access to such Protected
16 Documents shall maintain its confidentiality as provided herein.

17 7. Subject to the Evidence Code, Protected Documents and other confidential
18 information may be offered in evidence at trial or any Court hearing. Any Party may move the
19 Court for an order that the evidence be received in camera or under other conditions to prevent
20 unnecessary disclosure. The Court will then determine whether the proffered evidence should
21 continue to be treated as confidential information and, if so, what protection, if any, may be
22 afforded to such information at the trial.

23 8. This Protective Order may not be waived, modified, abandoned or terminated,
24 in whole or in part, except by an instrument in writing signed by THE PARTIES or their
25 attorneys. If any provision of this Protective Order shall be deemed invalid for any reason
26



1 whatsoever, the remaining provisions shall not be affected thereby. The inadvertent, or
2 unintended disclosure by a Party of confidential information shall not be deemed a waiver in
3 whole or in part of a subsequent claim of protection under this Protective Order, either as to the
4 specific information disclosed or as to any other such information, provided that the inadvertent
5 or unintended disclosure is promptly identified upon discovery by the disclosing party and
6 notice of the claim of protection is given to the other party.

7 9. This Protective Order shall be binding upon THE PARTIES hereto, upon their
8 attorneys, and upon THE PARTIES' and their attorneys' successors, executors, personal
9 representatives, administrators, heirs, legal representatives, assigns, subsidiaries, divisions,
10 employees, agents, independent contractors, or other persons or organization over which they
11 have control.

12
13 **AGREED AND APPROVED:**

14
15 SHEPHERD AND ABBOTT

WILSON SMITH COCHRAN DICKERSON

16
17 s/ Heather C. Shepherd

Heather C. Shepherd, WSBA #51127
Attorneys for Plaintiffs

s/ Morgan E. Smith

John M. Silk, WSBA #15035
Morgan E. Smith, WSBA #37954
Attorneys for Defendant



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II. ORDER

This matter having come before the Court on the parties' stipulated motion for protective order, the Court having considered that the parties have jointly agreed and stipulated to the protective order, and the Court having reviewed the motion and the records and files herein; and being fully advised, finds that the motion should be GRANTED.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT the stipulated protective order is GRANTED. It is further ORDERED that pursuant to FRCP 26(c), the parties' disclosure and exchange of Confidential Information, as defined in the stipulated protective order, shall be governed by the terms of this Order, and this Order is hereby approved and entered by the Court.

IT IS SO ORDERED this 22nd day of August, 2018.



Robert S. Lasnik
United States District Judge



EXHIBIT A

CERTIFICATION

I hereby certify as follows:

1. I understand that Confidential Information is being provided to me pursuant to the terms and restrictions of the STIPULATED PROTECTIVE ORDER dated _____, in Sarah Wagstaff and Keith Chaplin v. First National Insurance Company, United States District Court, Western District of Washington at Seattle, Cause No. 18-cv-00406 RSL. I have been given a copy of that Order and read it.

2. I agree to be bound by the Order. I will not reveal the Confidential Information to anyone, except as allowed by the Order. I will maintain all such Confidential Information – including copies, notes, or other transcriptions made therefrom – in a secure manner to prevent unauthorized access to it.

3. No later than sixty (60) days after the conclusion of this action, I will return the Confidential Information – including copies, notes, or other transcriptions made therefrom – to the counsel who provided me with the Confidential Information. I hereby consent to the jurisdiction of the United States District Court of Washington at Seattle, for the purpose of enforcing the Stipulated Protective Order.

I declare under penalty of perjury that the foregoing is true and correct and that this certificate is executed this ____ day of _____, at _____.

By: _____

Address: _____

Phone: _____